

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10160 of 2019

1. Rajeshwar Prasad son of Ramchandra Prasad Resident of Village and P.O.- Asarhi, P.S. Hilsa, District- Nalanda Bihar- 801302.
2. Ajay Kumar son of Narendra Kumar Singh resident of H.N. 26A, resident of Village Ballipur, P.O. Lakhana, Patna 804453 (Bihar).
3. Devendra Kumar son of Yogendra Singh resident of Village Phateshpur P.O. Shain, District Patna 804451 (Bihar).
4. Shashi Kant son of Dudheshwar Rai resident of H.No. 1 Sector- 7, B.K. Institute, Nepali Nagar Phwlnari, Patna 800025 (Bihar).
5. Shailendra Kumar son of Lalbali Roy resident Mohwa Bagh Dhanaut Sahay Nagar, Village Danapur, P.S. Rupaspur, District- Patna- 801506 (Bihar).
6. Sanjay Kumar son of Krishna Prasad resident of Village Mahua Bagh P.O. Sahay Nagar, Dhanaut, P.S. Rupaspur, District Patna 801506 (Bihar).
7. Deepak Kumar son of Devendra Prasad Singh Resident of FCI Corner, Birla Colony, P.S. Phulwari Sharif, District Patna 801505 (Bihar).
8. Kshitij Sivam son of Jagdish Prasad Verma resident of 66 FCI Road P.S. Phulwari Sharif, District Patna 801505 (Bihar).
9. Navin Kumar son of Ayodhya Rai resident of Village Kharaon (Khwrda) Andhari District Bhojpur 802222 (Bihar).
10. Sanjeev Kumar Jha son of Taresh Jha resident of Ward No. 12, P.S. Kashipur, District Samastipur 848101 (Bihar).
11. Ashok Kumar son of Shyam Narayan Yadav resident of Devi Mandir (Near Ahamad Bigha), P.S. Kumardih, District- Jahanabad 804427 (Bihar).
12. Ram Awatar Ram son of Sriram Prabhaw Ram resident of Village and P.O. Dadar, Thana, P.S. Mohania, District Kaimur (Bhabua) Mohania 821109
13. Ritesh Kumar son of Rishideo Yadav resident of Hasanganj, P.S. Safiabab, District- Munger 811214 (Bihar).
14. Pankaj Kumar son of Rishideo Yadav resident of Choti Durga Mandir (Near) P.O. Sadipur, P.S. Kotwali District Munger 811201 (Bihar).
15. Harendra Paswan son of Sukhari Manjhi resident of Village Sondhani P.S. Bhagwanpur Hat, District Siwan 841408 (Bihar).
16. Jai Prakash Ram son of Mokhtar Ram resident of Village Najiba P.O. Pipra Sahajitpur, District Saran 841422 (Bihar).
17. Abhay Kumar son of Ram Yatan Prasad resident of Pacharukhiya (Kasimpur), P.S. and P.O. Khusrwpur District Patna 803202 (Bihar).
18. Niraj Kumar son of Nand Kishor Singh resident of H.N. 14, resident of Village and P.O. Karnauti, P.S. Bakhtiyarpur, District- Patna 803212 (Bihar).
19. Abhiram Kumar son of Umesh Sharma resident of Karauta Doma Road Dharmasala Ward No. 3 (Near) District Patna 803202 (Bihar).

... .. Petitioner/s

Versus



1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home (Police) Department, Government of Bihar, Patna.
3. The Bihar Staff Selection Commission through its Chairman Baily Road, Patna.
4. The Bihar Staff Selection Commission through its Secretary, Baily Road, Patna.
5. The D.G. of Police, Bihar, Patna.
6. The ADG of Police (HQ), Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dinu Kumar, Advocate
For the State	:	Mr.Ruchikar Jha, AC to SC 8
For Staff Selection	:	Mr. S.S. Sundaram, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and the respondents.

During the pendency of the writ petition the respondents have passed order dated 26.4.2019 which has been challenged by interlocutory application (I.A.No. 1/2019). The Director General of Police has relied upon the order passed by the Apex Court. The Apex Court has categorically held out that the relief was granted in exercise of jurisdiction under Article 142 of the Constitution. It was further clarified that the same shall not be treated as precedent.

In view of the above, the claim of the petitioners at par with those who have been protected by the order of the Apex Court in exercise of jurisdiction under Article 142 is



misconceived. When the Apex Court has exercised jurisdiction under Article 142 for doing complete justice between the parties, the decision of the Apex Court is confined to those who were before the Apex Court. Moreover, when the Supreme Court has already indicated that the order shall not be treated as precedent, there is no infirmity in the order passed by the Director General of Police, Headquarters contained in memo no. 674 dated 26.4.2019, and as such, the claim of similar treatment on the ground of parity is not available to these petitioners.

The writ petition is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

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